

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS (EASTERN DIVISION)

DIRECTV, Inc., a California corporation,) Case No. 04-10159 PBS
Plaintiff,)
v.)) PLAINTIFF'S ASSENTED-TO MOTION
DOMINIC J. VENTURELLI,) TO EXTEND TIME
Defendant.)
)

NOW COMES Plaintiff, DIRECTV, Inc., in the above-captioned case and, with the full assent of the Defendant through his new Counsel, respectfully moves this Court for an order:

1. To the effect that the Plaintiff's Requests for admissions are not deemed admitted, despite the fact that discovery requests were originally served upon the Defendant's first Counsel on July 30, 2004 and Defendant's new Counsel responded to them on November 23, 2004;
2. Extending the time for the Plaintiff to do its depositions until December 31, 2004;
3. Granting the Plaintiff until January 31, 2005 to amend any disclosures, discovery responses and/or to pursue any discovery matters pertaining to the Defendant's discovery responses;
4. Setting a deadline for Defendant's Motions pursuant to Rule 56 as February 15, 2005 and for the Plaintiff's response to same by March 15, 2005;
5. Rescheduling the mediation session presently scheduled for December 16, 2004 until a date in January at the convenience of the court;

Certification pursuant to LR D. Mass 7.1 (A) (2)

Plaintiff's Counsel certifies that he has contacted the Defendant's new Counsel, who fully assents to this motion.

6. Rescheduling the status conference presently scheduled for December 22, 2004 until a date in late January at the convenience of the court;
7. Rescheduling the Summary Judgment Hearing/Pretrial Conference presently scheduled for January 5, 2005 to a date in March at the convenience of the court ; and
8. Rescheduling the Trial previously scheduled for February 7, 2005 to a date in April at the convenience of the court;

As grounds, the Plaintiff, with the assent of the Defendant, states:

1. The Plaintiff has been diligently pursuing discovery in this matter to date, but prior Counsel for the Defendant had repeatedly refused to attend a deposition for this Defendant, including a timely-noticed deposition, because prior Counsel stated that the Defendant was in the process of obtaining new Counsel;
2. New Counsel recently appeared for the Defendant on November 15, 2004;
3. Plaintiff submitted Requests for Admission, Requests for Production and First Set of Interrogatories in July 2004 to Defendant's first Counsel;
4. Defendant's first counsel never responded to Plaintiff's discovery requests, nor did Defendant's second Counsel. Defendant's new counsel has just provided responses on November 23, 2004.
5. The Plaintiff will now need to depose the Defendant with his new Counsel and the Plaintiff will need some time after the deposition to possibly modify disclosures or pursue other discovery matters.
6. The Defendant, through his new Counsel, assents to this motion.

Respectfully Submitted for the Plaintiff,
DIRECTV, Inc.
By Its Attorney

11/29/04

Date

/s/ John M. McLaughlin

John M. McLaughlin (BBO: 556328)
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CERTIFICATE OF SERVICE

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 29th day of November 2004, a copy of the foregoing Assented-To Plaintiff's Motion to Extend Time was mailed via electronic notice to:

Attorney Kenneth D. Quat
ken@quatlaw.com

/s/ John M. McLaughlin

John M. McLaughlin